

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**WISCONSIN CENTRAL LTD.,
a Wisconsin Corporation,**

Plaintiff,

v.

Case No. 07-C-814

HILGY'S L.P. GAS INC.,

Defendant.

DECISION AND ORDER

This action was originally filed in the District of New Jersey. On August 24, 2007, the parties stipulated to have the matter transferred to the Eastern District of Wisconsin. (Docket No. 7). The case was received and docketed on September 10, 2007.

This matter was transferred here because it was improperly venued in New Jersey. 28 U.S.C. § 1391(b)(1) provides that a civil action not founded on diversity jurisdiction¹ may be brought only in “a judicial district where any defendant resides, if all defendants reside in the same State.” The complaint alleges that the defendant (Hilgy’s L.P. Gas, Inc.) is headquartered in Tomahawk, Wisconsin (Docket No. 1, ¶ 4). However, Tomahawk is located in Lincoln County, which by statute is part of the Western District of Wisconsin, not the Eastern District. *See* 28 U.S.C. § 130(b).

Since the parties stipulated to the transfer, technically the defendant waived any potential objection to laying venue in the Eastern District. The Court suspects, however, that

¹ The federal courts have jurisdiction over this matter pursuant to 28 U.S.C. § 1337.

the parties were simply mistaken and did not realize that Lincoln County is located in the Western District of Wisconsin. Therefore, the parties should advise the Court, in writing, whether the case should stay here or be transferred to the Western District.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

The parties shall advise the Court, in writing, whether the case should stay in the Eastern District of Wisconsin, or whether it should be transferred to the Western District of Wisconsin, on or before **October 5, 2007**.

Dated at Milwaukee, Wisconsin, this 20th day of September, 2007.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge